

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-00198-MR

JAMES A. WILSON,

Plaintiff,

v.

BRETT SIMMONS

Sergeant at Lanesboro Correctional

FNU HONBARRIER

Correctional Officer at Lanesboro Correctional

FNU HINSON

Correctional Officer at Lanesboro Correctional

FNU DMANTO

Correctional Officer at Lanesboro Correctional

Defendants.

ORDER

This matter is before the undersigned on Defendants' Motion to Excuse Their Attendance at the Court-Hosted Settlement Conference (the "Motion," Doc. 62).

A telephonic settlement conference is set for February 18, 2021 beginning at 1:00 p.m. The Court's Order of February 8, 2021 provided instructions regarding the parties' participation in that conference. Doc. 57.

By their Motion, Defendants Brett Simmons, Justin Honbarrier, Kearry Hinson, and Phillip DiManto ("Defendants") request that they be excused from personally attending the February 18, 2021 conference. Doc. 62 at 1.

Defendants contend that this request is justified because the North Carolina Department of Public Safety (“NCDPS”), as Defendants’ employer, is responsible for the first \$150,000.00 of liability and because representatives of NCDPS “will attend the scheduled settlement conference and will have the ability to negotiate and enter into any binding settlement agreement on behalf of Defendants.” Id. at 1-2.

With respect to Defendants’ participation, while defense counsel and the NCDPS representatives may have authority to negotiate and enter a binding settlement on behalf of Defendants, as parties to the case Defendants themselves have a vested interest in the matter and the undersigned otherwise believes Defendants’ personal participation in the conference may be beneficial. In order to ensure that such participation is not unduly burdensome, the undersigned has previously advised that Defendants and their counsel may participate in the settlement conference from different physical locations if they so choose, as long as they are on one conference line during the conference. See Doc. 57 at 2.

IT IS THEREFORE ORDERED that Defendants' Motion to Excuse Attendance of Individual Defendants (Doc. 62) is **DENIED**.

Signed: February 12, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

